



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

OFFICE OF EMERGENCY MEDICAL SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

[www.state.nj.us/health](http://www.state.nj.us/health)

JAMES E. MCGREEVEY  
Governor

CLIFTON R. LACY, M.D.  
Acting Commissioner

April 5, 2002

Gary Loures  
Rural/Metro Ambulance  
168 Main Street  
South Amboy, New Jersey 07747

Re: **Notice of Proposed Assessment of Penalties / Service Provider**  
Investigation Control # 02-B-011

Dear Mr. Loures:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1, et seq., which was enacted, in part, to ensure that hospital and related health care services are of the highest quality. As defined at N.J.S.A. 26:2H-2b, health care services include mobility assistance vehicle and ambulance service providers. In furtherance of this statutory objective, the Department of Health and Senior Services adopted regulations which govern the licensure and survey of mobility assistance vehicle and ambulance service providers. See, N.J.A.C. 8:40-1.1, et seq.

On December 5, 2001 staff of this Department's Office of Emergency Medical Services (OEMS) was made aware of a patient injury while being transferred by Rural/Metro Ambulance. The patient, Mr. Bernard Heller, was injured on August 28, 2000 while being taken out of a Rural/Metro ambulance in front of his residence. Apparently, in the process of taking the stretcher out of the ambulance, the stretcher tilted causing Mr. Heller to become injured. Subsequent to this incident, Mr. Heller was transported to the Emergency Department at Englewood Hospital for evaluation.

N.J.A.C. 8:40-3.5(a)1 requires that injuries requiring treatment in an emergency department which occurred to patients being transported by a licensee's ambulance be reported to OEMS. N.J.A.C. 8:40-3.5(a) requires the licensee to notify the Department by telephone no later than the next business day followed by written confirmation within 14 days. Our records show no such notification was made.

Therefore, in accordance with N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-2.14(e)6, you are hereby assessed a penalty in the amount of \$250.00 for the violation noted above. A certified check or money order in the amount of \$250.00, made payable to "Treasurer, State of New Jersey," must be submitted within 30 days from the date of this Notice. In accordance with N.J.S.A. 26:2H-16 and N.J.A.C. 8:40-2.14(f), failure to pay this penalty may result in a summary



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civil proceeding in the Superior Court of New Jersey pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1, et seq.), refusal by the Department to issue or renew a license and/or any such other action as authorized by law. Payment should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Emergency Medical Services  
P.O. Box 360  
Trenton, NJ 08625-0360

Pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-2.15, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to the deficiency noted above. In the event that you request a hearing, this penalty shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice (i.e., by September 27, 1999), and should be forwarded to:

New Jersey Department of Health & Senior Services  
Office of Legal & Regulatory Affairs  
P.O. Box 360, Room 805  
Trenton, NJ 08625-0360  
Attn: Mrs. Carole Slimm

Please include the control number noted above (i.e., #02-B-011) on all of your correspondence. **Finally, please note that failure to submit a request for a hearing within 30 days of this notice shall render this Notice final, and the entire \$250.00 shall be immediately due and payable.** If you have any questions concerning this matter, please do not hesitate to contact Mr. Victor Carter, Supervisor of Ambulance Licensing, or William Dougan, Case Investigator, of my office at (609) 633-7777.

Sincerely,

Susan Way, Director  
Office of Emergency Medical Services

c: Mrs. C. Slimm, L&RA  
Ms. D. Baretto, L&PS  
Ms. K. Halupke, OEMS  
Mr. V. Carter, OEMS  
Mr. W. Dougan, OEMS

SENT VIA REGULAR U.S. MAIL AND  
CERTIFIED MAIL #7001-0360-0001-9158-9282  
RETURN RECEIPT REQUESTED